

## REMARKS/ARGUMENTS

Reconsideration of the application as amended is respectfully requested.

### Status of Claims

Claims 1, 3, 4 and 31-40 are pending in the application, with claim 1 being the only independent claim. Claims 1 and 3 have been amended. Claims 31-40 have been added.

The currently pending claims 1, 31, 3, 4 and 32-40 corresponds to claims 1-13 listed in the Amendment dated September 5, 2006. No new matter has been added.

### Overview of the Office Action

Claims 1, 3 and 4 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,787,989 (*Wada*) in view of U.S. Patent No. 6,188,176 (*Nakaya*), and further in view of U.S. Patent No. 6,440,531 (*Kurachi*).

SPECIAL NOTE: According to the website of the USPTO, the September 17, 2007 Office Action is a non-final Office Action. In addition, during a telephone conference with applicant's attorney Douglas D. Zhang on December 13, 2007, the Examiner confirmed that the September 17, 2007 Office Action is a non-final Office Action.

### Allowability of the Claims

#### Independent Claim 1

In the April 4, 2007 Office Action, the Examiner has used the combination of *Wada* and *Nakaya* to reject claim 1 listed in the Amendment dated September 5, 2006.

In the present Office Action, the Examiner has used the combination of *Wada*, *Nakaya* and *Kurachi* to reject claim 1 listed in the Amendment dated July 5, 2007. However, both *Wada* and *Nakaya* are prevented from precluding patentability under 35 U.S.C. §103(c)(1), as described below.

Both *Wada* and *Kurachi* have been assigned to Nippon Sheet Glass Co., Ltd., which is also the assignee of the present application. Thus, at the time the claimed invention was made, the subject matter of *Wada* and *Kurachi* and the claimed invention were owned by the same person or subject to an obligation of assignment to the same person. Moreover, the subject matter of *Wada* or *Kurachi* qualifies as prior art only under 35 U.S.C. 102(e) (note the present application is entitled to a foreign priority date of June 4, 2001, and a verified English translation of the priority document was submitted to the USPTO on February 27, 2007). As a result, the Examiner cannot use *Wada* or *Kurachi* to form a rejection under 35 U.S.C. 103(a) to reject the claims of the present application (*see* 35 U.S.C. 103(c)(1)).

In view of the foregoing, withdrawal of the 35 U.S.C. 103(a) rejection of claim 1 is respectfully requested.

Dependent Claims 3, 4 and 31-40

Claims 3, 4 and 31-40 depend, either directly or indirectly, from independent claim 1 and, thus, each is allowable therewith.

Moreover, these claims include features which serve to even more clearly distinguish the present invention over the prior art of record.

### Conclusion

Based on all of the above, it is respectfully submitted that the present application is now in proper condition for allowance. Prompt and favorable action to this effect and early passing of this application to issue are respectfully solicited.

Should the Examiner have any comments, questions, suggestions or objections, the Examiner is respectfully requested to telephone the undersigned in order to facilitate reaching a resolution of any outstanding issues.

It is believed that no fees or charges are required at this time in connection with the application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

COHEN PONTANI LIEBERMAN & PAVANE LLP

By

  
Alfred W. Froebrich

Reg. No. 38,887

551 Fifth Avenue, Suite 1210  
New York, New York 10176  
(212) 687-2770

Dated: December 17, 2007